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10/24/98

Express Mail No.: **EM-061 017 614-US**

IN THE UNITED STATES PATENT AND TRADEMARK OFFICE

Application of:

Kenneth Tucker and Ulrich F. Tillman

Serial No.: To be assigned

Filed: Concurrently herewith

For: **MORAXELLA CATARRHALIS PROTEIN,
GENE SEQUENCE AND USES
THEREOF**

Group Art Unit: To be assigned

Examiner: To be assigned

Attorney Docket No.: 7116-074



INFORMATION DISCLOSURE STATEMENT UNDER 37 C.F.R. § 1.56

Assistant Commissioner for Patents
Washington, D.C. 20231

SIR:

In accordance with the duty of disclosure imposed by 37 C.F.R. § 1.56 to inform the Patent and Trademark Office of all references coming to the attention of each individual associated with the filing or prosecution of the subject application, which are or may be material to the patentability of any claim of the application, Attorneys for Applicants hereby direct the Examiner's attention to the reference AA-AH listed on the attached revised form PTO 1449, a copy of which is enclosed herewith.

Identification of the listed references is not to be construed an admission of Applicants or Attorneys for Applicants that such references are available as "prior art" against the subject application. Consequently, Applicants respectfully decline to use form PTO-1449, since this form identifies all of the references cited therein as "Prior Art." As an alternative, Applicants submit herewith several pages of a "revised form PTO 1449" entitled "List of References Cited" instead of "List of Prior Art Cited."

Applicants respectfully request that the Examiner review the foregoing references and that the references be made of record in the file history of the application.

Pursuant to 37 C.F.R. § 1.97(b), since this Information Disclosure Statement is being filed before the mailing date of a first Office Action on the merits, it is submitted that no fee is due in connection herewith. However, should the Patent and Trademark Office determine otherwise, please charge the required fee to Pennie & Edmonds LLP Deposit Account No. 16-1150; a duplicate of this sheet is enclosed.

Respectfully submitted,

Date: October 1, 1998


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